

Message Text

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ACTION EUR-12

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E.O. 11652: N/A
TAGS: PINT PGOV ELAB UK
SUBJECT: LAW LORDS SUPPORT ATTORNEY GENERAL

REF: (A) LONDON 1617, (B) LONDON 1863

1. THE HOUSE OF LORDS JULY 25 OVERTURNED A JANUARY 27
APPEALS COURT RULING WHICH LIMITED THE ATTORNEY
GENERAL'S TRADITIONAL DISCRETION IN DETERMINING WHETHER
TO ACCEDE TO PRIVATE REQUESTS FOR INJUNCTION. THE LAW
LORDS RULED THAT THE ATTORNEY GENERAL HAS "ABSOLUTE
AND NON-REVIEWABLE" POWER TO DETERMINE WHETHER SUCH
PRIVATE ACTIONS WOULD BE IN THE BROAD PUBLIC INTEREST
AND THAT PRIVATE PARTIES HAVE NO SUBSEQUENT RIGHT TO
APPEAL THE ATTORNEY GENERAL'S DECISION IN THE COURTS.

2. THIS CASE AROSE WHEN THE POSTAL WORKERS
UNION THREATENED TO BOYCOTT SOUTH AFRICAN MAIL AND THE
RIGHT-WING NATIONAL ASSOCIATION FOR FREEDOM (NAFF)
PERSUADED A LOWER COURT TO ISSUE AN INJUNCTION OVER
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THE ATTORNEY GENERAL'S OBJECTIONS. ATTORNEY GENERAL
SAM SILKIN THEN TOOK THE CASE TO THE APPEALS COURT
WHICH, IN A SPLIT DECISION, RULED THAT HE HAD ACTED
ILLEGALLY IN REFUSING TO SUPPORT THE ORIGINAL
INJUNCTION.

3. THE LAW LORDS' DECISION ON THIS IMPORTANT CONSTI-

TUTIONAL ISSUE VINDICATES ATTORNEY GENERAL SILKIN,
REAFFIRMS TRADITIONAL BRITISH LEGAL PRACTICE AND IS A
SETBACK FOR JUDICIAL ACTIVISTS. IT IS ALSO A SERIOUS
BLOW TO THE NAFF AND OTHER RIGHT-WING GROUPS WHICH HAVE
SOUGHT TO USE THE COURTS TO COUNTER WHAT THEY PERCEIVE
TO BE TRADE UNION THREATS TO INDIVIDUAL FREEDOM. THE
PRESS REPORTS THAT NAFF IS CONSIDERING AN APPEAL OF THE
LORDS' DECISION TO THE EUROPEAN COURT. BREWSTER

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